Remarks

This is a Response to the Official Action dated December 20, 2005.

Claims 2-11 and 13-29 are currently pending in the Application and Claims 30-43 are newly presented herein.

Specification

The response amends paragraph at page 10, lines 22-35 of the specification by replacing the reference number "35" with reference number "3." Support for the amendment can, for example, be found in Figure 3.

The response amends paragraph at page 12, line 27 to page 13, line 8 of the specification by replacing the reference number "14" with reference number "24" and replacing the term "utilises" with the term "utilizes." Support for the amendment can, for example, be found in Figures 1-3.

The response amends paragraph at page at page 20, lines 14-23 of the specification by replacing the phrases "MCA smart card 19" with the phrase "module 15." Support for the amendment can, for example, be found in Figure 8 and page 20, lines 6-7 of the specification.

The response amends paragraph at page at page 20, lines 24-28 of the specification by replacing the phrase "MCA smart card 19" with the phrase "module 15." Support for the amendment can, for example, be found in Figure 8 and page 20, lines 6-7 of the specification.

The response amends paragraph at page at page 21, lines 14-28 of the specification by replacing the phrase "Figure 8" with the phrase "Figure 10," replacing the reference number "845" with reference number "1045" and replacing the term "authorisation" with

Amendments to the Drawings

The attached replacement sheets of drawing include changes to Figs. 1-3, 7 and 10, where blocks have been labeled in Figs 1-3, 7 and where reference number "1005" in Fig. 10 has been amended to "1000" to correspond with the specification. The replacement sheets are intended to replace Figs. 1-3, 7 and 10 currently before the Examiner.

Attachment: Four Replacement Sheets including Figs. 1-3, 7 and 10

the term "authorization." Support for the amendment can, for example, be found in Figure 10 and page 21, lines 10-12 of the specification.

Claims 2-11 and 13-29

This response amends Claims 2-7, 9, 11, 13-14, 22-24 and 27 to clarify the scope of the invention and cancels Claims 8, 10, 15-21, 25-26 and 28-29 without prejudice.

New Claims

This response adds new claims 30-43. The new claims are used to broaden the scope of the invention and are **not** offered in response to the Examiner's rejections.

Support for the new independent Claims 30, 38 and 40 can be found in Figure 10 and on page 21, lines 10 to page 22, line 5 of the specification.

Support for the new dependent Claims 31-37, 39 and 41-43 can be found in Claims 2-3, 5-7, 9, 11, 13, 23-24 and 27.

Drawings objection

The Examiner objects to Figures 1-3 and 7 for not having descriptive legends. Applicant respectfully notes that the enclosed Figures 1-3 and 7 have been amended to recite the appropriate legends. Hence, withdrawal of this objection is respectfully requested.

Applicant further notes that Figure 10 has been amended by replacing the reference number "1005" with reference number "1000" as supported by page 21, line 15 of the specification.

35 U.S.C. §102(e) Rejection based on Probst (U.S. Patent No. 5,982,899)

Claims 4-5, 8, 14, 16 and 24-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Probst. Applicant respectfully disagrees.

The Examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the clam is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that "[the] identical invention must be shown in as complete detail as is contained in the ... claim." MPEP 2131 quoting *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Applicant submits that Probst does not teach each and every element as set forth in the rejected claims as amended. In particular:

Claim 4
Applicant submits that Probst does not disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 4, as amended, of the present application:

> "the trusted device retrieving a module configuration profile of at least
> one module within the plurality of functional modules, wherein the
> module configuration profile comprises a public key corresponding to a
> public key of the at least one module; the trusted device communicating
> with the at least one module by transmitting a first data to the at least one
> module; the at least one module responding to the communication from
> the trusted device by transmitting a second data to the trusted device,
> wherein the second data comprises a signature generated with the private
> key; the trusted device verifying authenticity of the signature with the
> public key; and inhibiting function of the computer apparatus if the
> signature is not authentic." (emphases added)

The Applicant respectfully submits that Probst does not teach, disclose or suggest at least "trusted device retrieving a module configuration profile ... wherein the module configuration profile comprises a public key corresponding to a public key of the at least one module; ... wherein the second data comprises a signature generated with the private key; the trusted device verifying authenticity of the signature with the public key; and inhibiting function of the computer apparatus if the signature is not authentic" as recited in amended Claim 4. Hence, Claim 4 is patentable over Probst and should be allowed by the Examiner. Claim 5 at least based on its dependency on Claim 4, is also believed to be patentable over Probst.

Claims 8 and 25

Applicant respectfully notes that Claims 8 and 25 have been canceled without prejudice and respectfully request that the rejection be withdrawn.

Claim 14

Applicant submits that Probst does not disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 14, as amended, of the present application:

> "wherein the <u>trusted device is adapted to retrieve a module configuration profile</u> of at least one module within the plurality of modules, <u>wherein the module configuration profile comprises a public key corresponding to a private key of the at least one module</u>; wherein the trusted device is adapted to communicate with the at least one module by transmitting a first data to the at least one module and to receive a second data from the at least one module, <u>wherein the second data comprises a signature generated with the private key; and wherein the trusted device is adapted to verify authenticity of the signature with the public key and inhibit function of the computer apparatus if the signature is not authentic</u>"
> (emphases added)

Applicant respectfully submits that Probst does not teach, disclose or suggest at least "wherein the trusted device is adapted to retrieve a module configuration profile ... wherein the module configuration profile comprises a public key corresponding to a private key of the at least one module; ... wherein the second data comprises a signature generated with the private key; and wherein the trusted device is adapted to verify authenticity of the signature with the public key and inhibit function of the computer apparatus if the signature is not authentic" as recited in amended Claim 14. Hence, Claim 14 is patentable over Probst and should be allowed by the Examiner.

Claim 24

Applicant submits that Probst does not disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 24, as amended, of the present application:

> "the <u>trusted device is adapted to</u> retrieve the module configuration profile of at least one module, communicate with the at least one module and <u>verify authenticity of the signature</u>" (emphasis added)

Applicant respectfully submits that Probst does not teach, disclose or suggest at least "the trusted device is adapted to … verify authenticity of the signature" as recited in amended Claim 24. Hence, Claim 24 is patentable over Probst and should be allowed by the Examiner.

35 U.S.C. §102(e) Rejection based on Carbajal (U.S. Patent No. 6,560,706)

Claims 18 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Carbajal. Applicant respectfully notes that Claims 18 and 21 have been canceled without prejudice and respectfully request that the rejection be withdrawn.

35 U.S.C. §103(a) Rejection in view of Probst and further in view of Herzi (U.S. Patent No. 6,353,885)

Claims 2-3, 6-7, 9, 13, 15, 17, 22-23 and 26-27 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Probst and further in view of Herzi.

<u>Claims 2-3, 6-7, 9 and 13</u>

Applicant submits Claims 2-3, 6-7, 9 and 13 at least based on their dependency on Claims 4 and 14, respectively, are believed to be patentable over Probst and Herzi, because there is no prima facie 35 USC 103(a) case based on Probst, as shown above, and because the Examiner has not shown to the Applicant where Herzi discloses, teaches or suggests the features not found in Probst.

<u>Claims 15, 17 and 26</u>

Applicant respectfully notes that Claims 15, 17 and 26 have been canceled without prejudice and respectfully request that the rejection be withdrawn.

<u>Claims 22-23 and 27</u>

Applicant submits that the Examiner has **not** established a *prima facie* case of obviousness for the claims rejected under 35 U.S.C. §103(a). Applicant notes:

> "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure" (emphasis added) *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant submits that a *prima facie* case of obviousness has not been established for the reasons set forth below.

Applicant submits that Probst and Herzi do not disclose, suggest or teach, *inter alia*, at least the following features recited by Claim 22, as amended, of the present application:

> "retrieving a module configuration profile of at least one module within the plurality of functional modules, <u>wherein the module configuration profile comprises a public key corresponding to a private key of the at least one module;</u> communicating with the at least one module by transmitting a first data to the at least one module; the at least one module responding to the communication by transmitting a second data to the trusted device, <u>wherein the second data comprises a signature generated with the private key; verifying authenticity of the signature with the public key; and inhibiting function of the computer apparatus if the signature is not authentic</u>" (emphases added)

Applicant submits that Probst does not disclose, suggest or teach at least "wherein the module configuration profile comprises a public key corresponding to a private key of the at least one module; ... wherein the second data comprises a signature generated with the private key; verifying authenticity of the signature with the public key; and inhibiting function of the computer apparatus if the signature is not authentic" as recited in amended

Claim 22. Hence, Claim 22 is patentable over Probst and Herzi and should be allowed by the Examiner.

Claims 23 and 27 depend from Claim 22. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of Claim 22, Applicant submits that Claims 23 and 27 are also allowable.

35 U.S.C. §103(a) Rejection in view of Probst, Herzi and further in view of Muftic (U.S. Patent No. 5,943,423)

Claims 11 and 29 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Probst, Herzi and further in view of Muftic.

Claim 11

Applicant submits Claim 11 at least based on its dependency on Claim 4, is believed to be patentable over Probst, Herzi and Muftic because there is no prima facie 35 USC 103(a) case based on Probst, as shown above, and because the Examiner has not shown to the Applicant where Herzi and Muftic discloses, teaches or suggests the features not found in Probst.

Claim 29

Applicant respectfully notes that Claim 29 has been canceled without prejudice and respectfully request that the rejection be withdrawn.

35 U.S.C. §103(a) Rejection in view of Carbajal and further in view of Probst

Claims 10, 19 and 28 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Carbajal and further in view of Probst.

Claims 10, 19 and 28

Applicant respectfully notes that Claims 10, 19 and 28 have been canceled without prejudice and respectfully request that the rejection be withdrawn.

35 U.S.C. §103(a) Rejection in view of Carbajal, Probst Herzi and further in view of Dolev (U.S. Patent No. 5,029,159)

Claim 20 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Carbajal, Probst, Herzi and further in view of Dolev.

Claim 20

Applicant respectfully notes that Claim 20 has been canceled without prejudice and respectfully request that the rejection be withdrawn.

Patentability of new Claim 30

New Claim 30 recites "a method of protecting from modification computer apparatus comprising a plurality of functional modules, wherein the computer apparatus contains or is in communication with a trusted device adapted to respond to a user in a trusted manner, the method comprising: the trusted device retrieving a module profile of at least one module within the plurality of functional modules, wherein the module configuration profile comprises a public key; the trusted device communicating with a security token by transmitting a first data to the security token; the security token responding to the communication from the trusted device by transmitting a second data to the trusted device, wherein the second data comprises a signature generated with a private key; the trusted device verifying authenticity of the signature with the public key; and inhibiting function of the computer apparatus if the signature is not authentic." Applicant submits that at least some of these features are not disclosed by the prior art cited by the Examiner. Support for the new Claim 30 can at least be found in Figure 10 and on page 21, lines 10 to page 22, line 5 of the specification.

Hence, Claim 30 is patentable and should be allowed by the Examiner. Claims 31-37, at least based on their dependency on Claim 30, are also believed to be patentable.

Patentability of new Claim 38

New Claim 38 recites "computer apparatus adapted for protection against modification, the computer apparatus comprising: a plurality of modules; a trusted device adapted to respond to a user in a trusted manner; wherein the trusted device is adapted to retrieve a module configuration profile of at least one module within the plurality of modules, wherein the module configuration profile comprises a public key; wherein the trusted device is adapted to communicate with a security token by transmitting a first data to the security token and receive a second data from the security token, wherein the second data comprises a signature generated with a private key; and wherein the trusted device is adapted to verify authenticity of the signature with the public key and inhibiting function of the computer apparatus if the signature is not authentic." Applicant submits that at least some of these features are not disclosed by the prior art cited by the Examiner. Support for the new Claim 38 can at least be found in Figure 10 and on page 21, lines 10 to page 22, line 5 of the specification.

Hence, Claim 38 is patentable and should be allowed by the Examiner. Claim 37, at least based on its dependency on Claim 38, is also believed to be patentable.

Patentability of new Claim 40

New Claim 40 recites "a method of protecting from modification computer apparatus comprising a plurality of functional modules by monitoring the configuration of functional modules within the computer apparatus, the method comprising: retrieving a module configuration profile of at least one module within the plurality of functional modules, wherein the module configuration profile comprises a public key; communicating with a security token by transmitting a first data to the security token; the security token responding to the communication by transmitting a second data to the trusted device, wherein the second data comprises a signature generated with a private key; verifying authenticity of the signature with the public key; and inhibiting function of the computer apparatus if the signature is not authentic." Applicant submits that at least some of these features are not disclosed by the prior art cited by the

Examiner. Support for the new Claim 40 can at least be found in Figure 10 and on page 21, lines 10 to page 22, line 5 of the specification.

Hence, Claim 30 is patentable and should be allowed by the Examiner. Claims 41-43, at least based on their dependency on Claim 40, are also believed to be patentable.
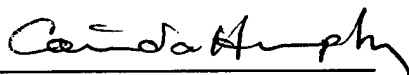
Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

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April 6, 2005
(Date of Deposit)

Corinda Humphrey
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Encls: Four Replacement Sheets
        including Figs. 1-3, 7 and 10